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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,305	12/06/2001	Charles E. Prussak	ST-UCSD3140	1335

7590 08/13/2008  
STACY L. TAYLOR  
DLA PIPER US LLP  
Suite 1100  
4365 Executive Drive  
San Diego, CA 92121-2133

EXAMINER
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GAMBEL, PHILLIP

ART UNIT	PAPER NUMBER
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1644

MAIL DATE	DELIVERY MODE
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08/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10006305

PRUSSAK ET AL. ST-UCSD3140

STACY L. TAYLOR  
DLA PIPER US LLP  
Suite 1100  
4365 Executive Drive  
San Diego, CA 92121-2133

**EXAMINER**

Phillip Gambel

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08112008

**DATE MAILED:**

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**Commissioner for Patents**

Applicant's amendment, filed 05/19/2008, has been entered.

Claims 2 and 8 have been amended.

Claims 76-79 have been added.

However, it is noted that claims 76-79 depend on canceled claims.

Applicant should amend the claims accordingly.

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application:

Given applicant's Remarks and the statements set forth in the Prussak Declaration filed under 37 CFR 1.132, filed 01/17/2008; applicant and assignee are required to provide the information presented at 43<sup>rd</sup> Annual Meeting of the American Society of Hematology on December 07-11, 2001, as presented along with the Abstract set forth in Cantwell et al. (Blood 98 (11Part 1); page 423a, November 16, 2001) (892; of record).

While the Prussak Declaration attempts to distinguish the prior art Abstract from the claimed invention, the Prussak Declaration (particularly Sections 4-7) seem to be consistent with the prior art reading on the current claims.

For example, Domain III of CD154 was present and intact in the CD154-TNF chimera described in the Abstract (e.g., Section 4 of the Prussak Declaration) is consistent with the prior art rejection on the current claims.

For the record, the Statement in the Prussak Declaration that the Office Action contends that Domain III is entirely absent from the chimeric molecule does NOT appear to be consistent with the prior art rejection, mailed 04/24/2007.

Given the ambiguity concerning applicant's statements and the prior art rejection set forth in the Cantwell Declaration, applicant and assignee are required to provide the information presented at the 43<sup>rd</sup> Annual Meeting in order to provide sufficient or objective information to indicate what constructs and information were provided at this 43<sup>rd</sup> Annual Meeting in order to determine the appropriateness of the prior art rejection on the claimed invention.

Applicant and assignee are required to provide information presented at the 43<sup>rd</sup> Annual Meeting so that there will be objective or

sufficient evidence or information for the examiner to determine the applicability of the prior art Abstract AND Poster Presentation as prior art on the instant claimed invention.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of TWO months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on (571) 272-0878.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Gambel/  
Phillip Gambel, Ph.D., J.D.  
Primary Examiner  
Technology Center 1600  
Art Unit 1644  
August 11, 2008  
/Eileen B. O'Hara/  
Supervisory Patent Examiner  
Art Unit 1644